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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/800,697	03/07/2001	Prudence A. McIntosh	705445US1RAF	4028
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EXAMINER

FRENEL, VANEL

ART UNIT	PAPER NUMBER
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3626

DATE MAILED: 10/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/800,697	Applicant(s) MCINTOSH ET AL.	
	Examiner Vanel Frenel	Art Unit 3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Notice to Applicant

1. This communication is in response to the Appeal Brief filed on 7/26/06. Claims 1-20 are pending.

2. In view of the Appeal Brief filed on 7/26/06, PROSECUTION IS HEREBY REOPENED as set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 C.F.R 1.111 (if this Office action is non-final) or a reply under 37 C.F.R 1.113 (if this Office action is final); or
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplement appeal brief, but no new amendments, affidavits (37 C.F.R 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 C.F.R 1.193) (b) (2).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abdel-Malek et al (6,959,235) in view of Sampath et al (6,892,317).

(A) As per claim 1, Abdel-Malek discloses a computer-implemented warranty knowledge base construction system, comprising; a user interface for receiving a first rule related repair claim processing (See Abdel-Malek, Col.20, lines 55-67); wherein the first rule is used in a knowledge base system to process repair claims (See Abdel-Malek, Fig.2; Col.10, lines 41-67).

Abdel-Malek does not explicitly disclose a rules syntax data store that stores syntax rules for constructing repair claim-related rules; a knowledge base generator module connected to the user interface and to the rules syntax data store for determining whether the first rule is in an acceptable syntax based upon the stored syntax rules.

However, these features are known in the art, as evidenced by Sampath. In particular, Sampath teaches a rules syntax data store that stores syntax rules for constructing repair claim-related rules (See Sampath, Col.10, lines 7-46); a knowledge base generator module connected to the user interface and to the rules syntax data store for determining whether the first rule is in an acceptable syntax based upon the stored syntax rules (See Sampath, Fig.1; Col.3, lines 62-67 to Col.4, line 50; Col.12, lines 53-67).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the feature of Sampath within the system of Abdel-Malek with the motivation of providing a portable unit which incorporates graphical user interfaces

for ease of use and comprehension. With the availability of all information at track side, the repair process can sometimes be moved from the repair shop to run-through or service track sites, thus providing significant productivity gains and cost savings to the railroad (See Sampath, Col.3, lines 5-14).

(B) As per claim 2, Abdel-Malek discloses the system wherein a knowledge base stores a plurality of repair claim related expert rules to evaluate a repair claim (See Abdel-Malek, Col.2, lines 62-67 to Col.3, line 14), said system further comprising: an integrity rules module connected to the knowledge base generator module in order to determine whether the first rule is consistent with respect to at least one of the warranty-related expert rules that is stored in the knowledge base (See Abdel-Malek, Col.4, lines 24-61; Col.7, lines 20-47).

(C) As per claim 3, Abdel-Malek discloses the system wherein the first rule is incorporated into the knowledge base, said system further comprising: a testing module for testing the knowledge base with testing scenarios (See Abdel-Malek, Col.5, lines 43-65).

(D) As per claim 4, Abdel-Malek discloses the system wherein the first rule is incorporated into the knowledge base, said system further comprising: a testing module for performing regression testing of the knowledge base (See Abdel-Malek, Col.5, lines 43-65).

(E) As per claim 5, Abdel-Malek discloses the system further comprising: a reverse engineer module for generating a specification for the knowledge base (See Abdel-Malek, Col.4, lines 24-42).

(F) As per claim 6, Abdel-Malek discloses the system wherein the specification for the knowledge base includes warranty methods and warranty business rules (See Abdel-Malek, Col.4, lines 24-42).

(G) As per claim 7, Sampath discloses the system wherein the first rule contains a high level computer expression, said knowledge base generator evaluating the high level expression as to whether the high level expression of the rule is in an acceptable syntax based upon the stored syntax rules (See Sampath, Col.12, lines 53-67 to Col.13, line 33).

The motivation for combining the respective teachings of Abdel-Malek and Sampath are as discussed above in the rejection of claim 1, and incorporated herein.

(H) As per claim 8, Sampath discloses the system wherein the knowledge base generator generates a lower level representation of the first rule if the first rule is in an acceptable syntax (See Sampath, Col.13, lines 20-32).

The motivation for combining the respective teachings of Abdel-Malek and Sampath are as discussed above in the rejection of claim 1, and incorporated herein.

(I) As per claim 9, Sampath discloses the system wherein the high level computer expression of the first rule is an English phrase (See Sampath, Col.13, lines 1-18), wherein the lower level representation of the first rule is at least one line of programming code (See Sampath, Col.13, lines 20-32).

The motivation for combining the respective teachings of Abdel-Malek and Sampath are as discussed above in the rejection of claim 1, and incorporated herein.

(J) As per claim 10, Sampath discloses the system wherein the programming code is C++ programming code (See Sampath, Col.13, lines 20-32).

The motivation for combining the respective teachings of Abdel-Malek and Sampath are as discussed above in the rejection of claim 1, and incorporated herein.

(K) As per claim 11, Abdel-Malek discloses a computer-implemented warranty knowledge base construction system, comprising the steps of: receiving a first rule related to vehicle repair claim processing (See Abdel-Malek, Col.2, lines 62-67 to Col.3, line 14).

Abdel-Malek does not explicitly disclose storing syntax rules for constructing repair claim-related rules; determining whether the first rule is in an acceptable syntax based upon the stored syntax rules; wherein the first rules in a knowledge base method to process repair claims.

However, these features are known in the art, as evidenced by Sampath. In particular, Sampath teaches storing syntax rules for constructing repair claim-related rules (See Sampath, Col.10, lines 7-46); determining whether the first rule is in an acceptable syntax based upon the stored syntax rules (See Sampath, Fig.1; Col.3, lines 62-67 to Col.4, line 50; Col.12, lines 53-67); wherein the first rules in a knowledge base method to process repair claims (See Sampath, Col.8, lines 34-60).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the feature of Sampath within the system of Abdel-Malek with the motivation of providing a portable unit which incorporates graphical user interfaces for ease of use and comprehension. With the availability of all information at track side, the repair process can sometimes be moved from the repair shop to run-through or service track sites, thus providing significant productivity gains and cost savings to the railroad (See Sampath, Col.3, lines 5-14).

(L) Claims 12-20 recite the underlying process steps of the elements of claims 2-10, respectively. As the various elements of claims 2-10 have been shown to be either disclosed by or obvious in view of the collective teachings of Abdel-Malek and Sampath, it is readily apparent that the method disclosed by the applied prior art performs the recited underlying functions. As such, the limitations recited in claims 12-20 are rejected for the same reasons given above for system claims 2-10, and incorporated herein.

Response to Arguments

5. Applicant's arguments filed on 7/26/06 with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited but not the applied art teaches knowledge engineering tool (4,658,370).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vanel Frenel whose telephone number is 571-272-6769. The examiner can normally be reached on Monday-Thursday from 6:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 571-272-6776. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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V.F

October 14, 2006

Lynda Jasmin, 10/16/06
Primary Examiner